

AWARD NO. 114
CASE NO. None
(BU 7908-7907-5810-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties: THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 114

STATEMENT OF CLAIM:

1. Carrier violated the agreement between the parties when it required or permitted employees not coming within the scope of said agreement to transmit and/or receive, by use of printing telegraph machines, messages containing information and instructions beyond "reports of the movement of cars" provided for in revised Article 31(a-1)--reprinted as Article 36(a-1)--as follows:

On May 11, 1959, at Benwood, West Virginia;
On May 12, 1959, at Connellsville, Pennsylvania;
On May 12, 1959, at Fairmont, West Virginia.
2. Carrier shall be required to compensate in the amount of a day's pay (8 hours) each: C. R. Brown on May 11, 1959, for the violation at Benwood; S. P. Kelly on May 12, 1959, for the violation at Connellsville; J. R. Cockrell on May 12, 1959, for the violation at Fairmont.

FINDINGS:

Article 36 of the current agreement provides, among other things that persons other than those covered by the Telegraphers' Agreement may operate printing telegraph machines or similar devices when not located in a telegraph office for transmitting, or receiving, or both, information confined to reports of the movement of cars.

A wheel report is considered a report of the movement of cars.

Such a report is the subject of these claims because "encompassed within this report was a message containing information as to the size of a car and instruction as to the handling thereof."

What is involved is information on the inclusion of one or more "high and wide" cars in the reports involved in this claim.

If a high and wide car, or cars, are included in a specific train then notation of that fact and instructions necessary to the safe movement of that car or cars can be included in the wheel report of the train in question.

We find no violation of the Agreement here.

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A W A R D

Claim denied.

/s/ Edward A. Lynch
Edward A. Lynch
Chairman

/s/ Dissenting
R. K. Anthis
Employee Member

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland,
this 16th day of April, 1963.